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8 Attorneys for Defendant  
9 CITY OF CLEARLAKE  
10 (erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

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15 IN THE UNITED STATES DISTRICT COURT FOR  
16 THE NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 DAVID DAVIS and PAGE GEARHART-DAVIS ) Case No. C 07-03365 EDL  
19 PRO-SE, )  
20 Plaintiffs, ) NOTICE OF UNAVAILABILITY  
21 vs. ) OF COUNSEL  
22 CLEARLAKE POLICE DEPARTMENT, )  
23 Defendants. )  
24 \_\_\_\_\_ )  
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19 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

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21 PLEASE TAKE NOTICE that commencing on June 14, 2008 and continuing through June 30, 2008,  
22 inclusive, Dale L. Allen, Jr., attorney for defendant CITY OF CLEARLAKE, will be on vacation and  
23 unavailable for any purpose whatsoever, including, but not limited to, receiving notices of any kind, responding  
24 to ex parte applications, appearing in court, or appearing at depositions.

1 Please be advised that purposefully scheduling a conflicting proceeding without good cause is  
2 sanctionable conduct. See Tenderloin Housing Clinic vs. Sparks (1992) 8 Cal. App. 4th 299.

3 Dated: May 15, 2008.  
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5 LOW, BALL & LYNCH  
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7 By /s/ Dale L. Allen, Jr.  
8 DALE L. ALLEN, JR.  
DIRK D. LARSEN  
Attorneys for Defendant  
CITY OF CLEARLAKE  
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**PROOF OF SERVICE**

Action: **David Davis and Page Gearhart-Davis v. Clearlake Police Department  
U.S.D.C./Northern District Case No. C-07-03365 EDL**

I am over the age of eighteen (18) years and not a party to the within action. I am employed at Low, Ball & Lynch, 505 Montgomery Street, 7th Floor, San Francisco, California 94111.

On the date indicated below, I served the following documents enclosed in a sealed envelope on the listed addresses:

**DOCUMENT:** NOTICE OF UNAVAILABILITY OF COUNSEL

**ADDRESSES:**

David Davis and Page Gearhart -Davis  
P.O. Box 3225  
Clearlake, CA 95422  
Tel: 707-995-0749; Fax: 707-994-0987  
Plaintiffs In Pro Se

- (BY MAIL)** I placed a true copy, enclosed in a sealed, postage paid envelope, and deposited same for collection and mailing at San Francisco, California, following ordinary business practices, addressed as set forth below.
- (BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the addressees noted above or on the attachment herein by \_\_\_\_\_ Legal Services.
- (BY FACSIMILE)** I caused the said document to be transmitted by Facsimile transmission to the number indicated after the addresses noted above or on the attachment herein.
- (BY OVERNIGHT COURIER)** I caused each such envelope addressed to the parties to be deposited in a box or other facility regularly maintained by the overnight courier or driver authorized by the overnight courier to receive documents.
- (BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED)** I placed a true copy, enclosed in a sealed, postage-paid envelope, and deposited same for collection and mailing at San Francisco, California, following ordinary business practices, addressed as set forth below.

I am readily familiar with this law firm's practice for the collection and processing of documents for regular and certified mailing, overnight mail, and facsimile transaction, and said document(s) are deposited with the United States Postal Service or overnight courier depository on the same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California on May 15, 2008.

/s/ M. Kathryn Mansfield  
M. Kathryn Mansfield